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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,882	08/31/2001	Juergen Reinold	IA00006	2241

22863 7590 10/22/2003

MOTOROLA, INC.
CORPORATE LAW DEPARTMENT - #56-238
3102 NORTH 56TH STREET
PHOENIX, AZ 85018

EXAMINER

DO, NHAT Q

ART UNIT PAPER NUMBER

2663

DATE MAILED: 10/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/943,882

Applicant(s)

REINOLD ET AL.

Examiner

Nhat Do

ND

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 06 August 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: copy of corrected drawing.

DETAILED ACTION

Drawings

1. The drawings were received on 08/06/03. These drawings are acceptable.

Response to Arguments

2. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 3, 4, and 6-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 3, 4, 7, and 8 recite the limitation "the device" in lines 1. It is not clear whether the limitation "the device" refers to the first or second device (or both).

Claim 6 is indefinite because the claim is a duplicate of claim 5 (the claim should depend on a claim other than claim 4).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

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subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-4, 7-16 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,292,718 to Staiger.

Regarding to claims 1, and 10, Staiger discloses an active system in figure 3 used in a vehicle (Col. 1, lines 4-7) comprising:

The control element 'CAP' is the second device;

The control element 'SysMon' is the first device that couples to the network through links (a) (first communication coupling), and (b) (second communication coupling).

Regarding to claims 2, 11, and 12, the control elements 'ComPro', 'MMI/A', and Wireless Systems are the active network elements; wherein the link (a) (first communication coupling) couples to the 'ComPro' (first active network element) and the link (b) (second communication coupling) couples to the 'MMI/A' (second communication coupling).

Regarding to claims 3, 13, and 14, Staiger discloses the control elements comprise transceiver devices (device active network element) for exchanging data (Col. 11, lines 10-23).

Regarding to claims 4, and 7, the transceiver that communicates with the control element 'ComPro' through link (a) is considered the first device active network, and the transceiver that communicates with the control element 'MIN/A' through link (b) is considered the second device active network.

Regarding to claim 8, Staiger discloses the 'SynMon' monitors system vitality comprising temperature and humidity sensing (Col. 7, lines 1-11); therefore, the temperature sensor and the humidity sensor are considered the first and second device elements.

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Regarding to claim 9, Staiger discloses the system comprises a packet data network (Col. 12, lines 1-15).

Regarding to claim 15, and 16, from figure 3, Staiger discloses the transceivers of 'SynMon' (first and second device active network elements) couple to 'ComPro' (first active network element) and 'MMI/A' (second active network element).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5, 6, and 17, are rejected under 35 U.S.C. 103(a) as being unpatentable over Staiger.

Staiger fails to disclose the transceivers (first device active network and second device active network elements) are coupled by connection media.

However, Staiger discloses each control element is enabled to observe 3-way internal/external communication links and automatically reorganize the internal path upon faulty behavior (Col. 13, lines 4-7). In the other words, the system in figure 3 can transmit data from the control element 'ComPro' to the control element 'MMI/A' through links (a), and (b) (or links (g), and (d)) if link (c) fails. Therefore, a person of ordinary skill in the art would have been motivated to modify the control element 'SysMon' (and similarly other control elements) by coupling the transceivers using connection media so that the transceiver that couples to link (a)

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can forward the data to the transceiver that couples to link (b) (or vice versa) so that the system can select links (a), and (b) (or links (g), and (d)) when link (c) fails as suggested by Staiger.

Therefore, it would have been obvious to a person having ordinary skill in the art by the time the invention was made to couple the transceivers by connection media.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhat Do whose telephone number is (703) 305-5743. The examiner can normally be reached on 8:30 AM - 5:30 PM Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (703) 308-5340. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

ND

Nhat Do
Examiner
Art Unit 2663

October 6, 2003.



MELVIN MARCELO
PRIMARY EXAMINER